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*Attorneys for Defendant*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

THERESA BROWER,

Plaintiff,

v.

THE TJX COMPANIES, INC. d/b/a  
MARSHALLS,

Defendant.

Civil Action No.: \_\_\_\_\_

**NOTICE OF REMOVAL**

TO: Clerk of the Court  
United States District Court for the District of New Jersey  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street, Room 2020  
Trenton, NJ 08608

**PLEASE TAKE NOTICE** that Defendant Marshalls of MA, Inc. (“Marshalls” or “Defendant”) (incorrectly named as “The TJX Companies, Inc. d/b/a Marshalls”), by its attorneys, Seyfarth Shaw LLP, and pursuant to 28 U.S.C. §§ 1332 and 1441, hereby files this Notice of Removal with respect to the case identified as Theresa Brower v. The TJX Companies, Inc. d/b/a Marshalls, Docket No. OCN-L-000611-21 (the “State Court Action”), from the Superior Court of New Jersey, Law Division, Ocean County. In support of this Notice of Removal, Defendant states as follows:

**Timeliness of Removal**

1. On March 5, 2021, Plaintiff filed a Complaint and Jury Demand (the “Complaint”) with the Clerk of the Superior Court of New Jersey, Law Division, Ocean County. (A true and correct copy of the Complaint is annexed hereto as “**Exhibit A.**”).
2. Defendant has filed no pleadings in the State Court Action.
3. On April 8, 2021, a copy of the Complaint was served at Defendant’s business location in Toms River, New Jersey.
4. Because Defendant has filed this Notice of Removal within thirty (30) days of service, this Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b).

**Basis for Removal**

5. The basis for removal is diversity of citizenship under 28 U.S.C. § 1332, in that:
  - (a) Plaintiff Theresa Brower is a citizen of the State of New Jersey, residing at 17 Hillside Avenue, Barnegat, New Jersey 08005 (Compl. ¶ 1);
  - (b) Defendant Marshalls of MA, Inc. is not a citizen of the State of New Jersey. Defendant Marshalls of MA, Inc. is organized and incorporated under Massachusetts law with its principal place of business in Massachusetts.

Accordingly, this action is one in which none of the parties in interest, properly joined and served as a defendant, is a citizen of the state in which the action was brought. 28 U.S.C. § 1441(b).

6. Defendant believes in good faith that the amount in controversy in this matter exceeds \$75,000.00, exclusive of interest and costs, as required by 28 U.S.C. § 1332(a). Specifically, in her relief requested, Plaintiff seeks (i) compensatory damages; (ii) punitive damages; (iii) attorneys’ fees and costs, and (iv) pre and post judgment interest. (*See* Compl.,

Wherefore Clause). These collectively are items that would likely exceed \$75,000 if Plaintiff were to prevail at trial.

7. In sum, because diversity of citizenship exists under 28 U.S.C. § 1332(a)(1) and the amount in controversy exceeds \$75,000, as required by 28 U.S.C. § 1332(a), this case falls within the original jurisdiction of this Court and is subject to removal on diversity grounds.

8. This Notice of Removal is being filed in the United States District Court for the District of New Jersey, Trenton Vicinage because this is the district court vicinage in which the State Court Action is pending. 28 U.S.C. § 1441(a).

9. Pursuant to 28 U.S.C. § 1446, Defendant will file written notice of the filing of this Notice of Removal, together with a copy of the Notice of Removal, with the Clerk of the Superior Court of New Jersey, Ocean County, Law Division. Defendant will also serve a copy of the notice filed with the Superior Court of New Jersey on counsel for Plaintiff.

10. By filing this Notice of Removal, Defendant does not waive any defenses available at law, in equity, or otherwise.

WHEREFORE, Defendant respectfully requests that the above-referenced civil action proceed in the United States District Court for the District of New Jersey, Trenton Vicinage as an action properly removed thereto.

Dated: May 7, 2021

SEYFARTH SHAW LLP

/s/ Robert T. Szyba

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 7, 2021, a true and correct copy of DEFENDANT'S NOTICE OF REMOVAL WITH EXHIBIT A, CIVIL COVER SHEET, AND FED. R. CIV. P. 7.1 CORPORATE DISCLOSURE STATEMENT, were electronically filed with the Clerk of the District Court and served upon counsel for Plaintiff at the following address of record via FedEx overnight mail, postage prepaid:

David M. Koller, Esq.  
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Philadelphia, PA 19103  
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/s/ Robert T. Szyba  
Robert T. Szyba

Dated: May 7, 2021